

INJUNCTION FILED.

School Superintendency Muddle to Be Settled in Court.

KIMBROUGH FACTION BRINGS ACTION.

Asks that Barnett's Supporters Be Restrained from Interfering.

A TEMPORARY INJUNCTION WAS ISSUED.

Hearing of the Case Set for Next Monday—Allegations Made—Statement from Mayor Brashear.

The issues between the two factions, which are now contending for the management of the public schools, are to be settled in the courts.

The legal proceedings which have been expected ever since last Friday night were begun yesterday evening, when those members of the school board who have been supporting Superintendent Kimbrough filed a suit against the opposition in the Eleventh civil district court, asking in effect that Prof. Barnett be enjoined from assuming the duties of the superintendency and that the defendant members of the board, including Mayor Brashear, be restrained from in any way interfering with the schools or the property appertaining thereto.

A temporary restraining order was issued by Judge Tol and the case set for hearing next Monday, the 24th instant, at 9 a. m.

Stripped of some of its legal phraseology the petition filed by the plaintiffs is as follows:

State of Texas, county of Harris, in the district court of Harris county, Texas: To the district court in and for said county and State: The board of public school trustees of the city of Houston, Charles P. Shearn, J. R. Cade, Fred Fenwick and D. E. Bloxson, complainants, complaining of and against S. H. Brashear, Andrew Dow, George Jones, Henry C. Fisher, James Charleston and W. W. Barnett, defendants, represent that all and singular the plaintiffs and all singular the defendants reside in Harris county, Texas.

That the plaintiffs, the board of public school trustees of the city of Houston, is a body corporate, organized under the laws of the State of Texas.

That the plaintiffs believe and so charge the fact to be upon such information and belief that the defendants, together with the defendants, Henry Fisher and James Charleston, are the trustees of the public schools of the city of Houston, and that J. R. Cade is president of said board and Charles P. Shearn is secretary. That the plaintiffs, Fred Fenwick and D. E. Bloxson and the defendant James Charleston were appointed to said position of trustees on or about the first Monday in June, 1898, for a term of two years.

That the said plaintiffs Fenwick and Bloxson and the said defendant Charleston qualified and entered upon the duties of trusteeship, and that said plaintiffs have since continued to exercise and perform the duties of said trusteeship and that said plaintiffs have since continued to exercise and perform the duties of said trusteeship, except the defendant Charleston, as heretofore alleged. That the plaintiffs Shearn and Cade were appointed to said position of trustees on or about the 1st day of May, 1897, and for a term of two years. That they duly qualified under said appointment and have since exercised and performed the duties of trustees as aforesaid. That the successors of said late named plaintiffs have not been chosen, as plaintiffs are informed and believe, and so charge upon said information and belief. That the defendant Fisher was appointed as trustee on or about the 17th day of April, 1899, and that said Fisher entered upon the discharge of the duties of said position. That the plaintiffs and defendant Charleston were performing the duties of said position on May 30, 1899.

The plaintiffs represent that on or about the 10th day of July, 1899, the mayor and city council of the city of Houston, together with the defendants George Jones and Andrew Dow members of the board of trustees and that plaintiffs are informed and upon said information and belief charge the fact to be, that the said defendants have attempted to prevent the plaintiffs from performing their duties as trustees and are claiming the right to be trustees of said schools under said appointment.

That the defendant S. H. Brashear is the mayor of the city of Houston and is setting up a claim to be a member of the board of trustees of said city.

The plaintiffs, J. R. Cade, Charles P. Shearn, D. E. Bloxson and Fred Fenwick, represent that they are performing their duties as members of said board and that the plaintiffs are in possession of the records of said board and have possession of the buildings of said schools, and that the other schools property pertaining to the city schools.

That on or about the 14th day of July, 1899, the plaintiffs met as the school board of said city and the said defendants, together with a corps of teachers for said schools. That said superintendent and many of said teachers have already accepted said positions.

That the defendants, except the defendant Barnett, are setting up a claim to be the school board, that they have pretended to elect the defendant Barnett, as superintendent and that the city council has pretended to appoint the said defendant to said position.

The plaintiffs represent that the defendants are threatening to interfere with the exercise by plaintiffs, Shearn, Bloxson, Fenwick and Cade, of their duties as trustees and with their control, possession and management as trustees of said school board and the property thereof; that the defendants, as plaintiffs are informed, are threatening to elect a corps of teachers for said schools.

Plaintiffs further represent that the property belonging to said schools is of great value, to-wit, about \$300,000; that there are eight buildings for the white schools and seven buildings for the colored schools, and that two buildings are rented for the colored schools. There is a large amount of personal property belonging to said schools; that all of said property is in possession of the plaintiffs and they are controlling and managing the same as provided by law so far as they can do.

The plaintiffs further represent that the plaintiff trustees have submitted their right to hold their positions to Hon. J. S. Kendall, State superintendent of public instruction, and he has communicated to them his ruling to the effect that said appointment of defendants Jones and Dow, to positions as trustees by the city council is illegal and void and that the mayor is not a member of the board and that the members of the board on March 30, 1899, should hold their said positions until the next election, as provided in the act of the State legislature on March 30, 1899. Plaintiffs represent that they have been and are proceeding in accord-

ance with said ruling in the discharge of their duties. That if the defendants are permitted to interfere with said schools, as hereinbefore alleged, such interference will produce irreparable injury. That it will disorganize said schools and prevent the proper administration of the same. That there will be conflicting corps of teachers as there now is of superintendents. That the keys to all or nearly all of the buildings are in possession of plaintiffs, who fear that defendants will use force and violence to get possession of said buildings and thereby injure the property. Plaintiffs further represent that they are without adequate remedy at law in the premises.

Wherefore, premises considered, plaintiffs pray that a writ of injunction issue, restraining the defendants from interfering with the control of said schools and school property by the plaintiffs, except as to the said Fisher and Charleston may be entitled to discharge their duties as members of the plaintiff board of trustees, and especially the defendant Barnett, who is a member of the Eleventh civil district court, asking in effect that Prof. Barnett be enjoined from assuming the duties of the superintendency and that the defendant members of the board, including Mayor Brashear, be restrained from in any way interfering with the schools or the property appertaining thereto.

Judge Tol's restraining order is as follows: July 19, 1899.—Upon consideration of the foregoing petition, it is ordered that the hearing of the application for injunction be set down for Monday, July 24, at 9 o'clock a. m., before me in the district court of the Eleventh civil district, and that a temporary restraining order issue to the defendants restraining them from in any manner interfering with the plaintiffs in the management of the public schools or school property of the city of Houston, or from acting as a board of trustees for the city of Houston, and that the defendant Barnett be restrained from acting as superintendent of the schools of the city of Houston, and that the plaintiffs give bond in the sum of \$10,000 conditional and payable as required by law and to continue in force until the application for injunction is heard.

Judge Eleventh Judicial District.

Mayor Brashear when seen by a representative of The Post in reference to the filing of the suit, said: "The action begun today is only what we have expected for several days past and although it is probably only incidental to the main action, it indicates that the question may be settled before the time of the opening of the schools. For my part, I intend to insist on the position originally taken by me, believing, upon the advice of counsel, that I am acting as my duty requires and for the best interests of the school system. Should the courts decide otherwise, however, it will only be a relief to me, as the duties in this connection are very onerous. One of the chief difficulties I have had has been to raise such a salary month where to pay off the teachers in full. This I have succeeded in doing right along. It may be that others can do the same, but that remains to be seen. As I have said before, it would only be a relief to me."

City Attorney Stewart, with whom Mayor Brashear consulted during the evening, said in reference to the matter that he believed the mayor had the law on his side and would be successful in upholding the position he had taken.

Professor Barnett, when seen by a reporter, had nothing to say in regard to the situation. Most of the defendants were served with the writ of injunction last night and the others will be served this morning. No developments in the premises are expected prior to the hearing on next Monday.

THE SCHOOLS IN POLITICS.

Judge Kirtrell Explains Efforts Made to Prevent Present Conditions.

Houston, Texas, July 19.—The editorial in your issue of this morning concerning the most unfortunate imbroglio in school matters states the facts so far as I am concerned. My sole purpose was to utterly and absolutely divorce the public schools from control of the mayor and board of aldermen for all time to come, regardless of what party or what individuals might be in control of municipal affairs.

I had observed how admirably the system proposed by me had worked in Galveston, Dallas, and other cities. Where I knew any proposition to return to aldermanic interference or control would be resisted and defeated.

The first intimation of my purpose brought at once to Austin a delegation headed by the mayor and city attorney, who protested most vigorously against the proposed change.

We had a good natured discussion pro and con before the committee on town and city government, and the committee decided that as there was a conflict of local opinions they would follow the rule laid down and make no change. I accepted the decision without a murmur of dissent, and carried from the contest no ill-will or unkind feeling, and did not further cogitate the matter.

During the discussion the city attorney twitted me with inconsistency because I had advocated putting in the hands of Mayor Brashear the power of appointment of city officials subject to approval of the council, so as to place full responsibility upon him, especially as concerned the police force, so that he would have absolute power to compel enforcement of the law, and prevent the present shameful condition of disregard of State and municipal laws by those charged with their enforcement.

It is most obvious that the public schools and the police are two entirely separate and distinct agencies of government, the latter being supported and managed in a way entirely different from the former, and being far more important.

The people pay but little attention to who as matters now stand, command or constitute the police force, because they have learned by sad experience that the gamblers, Sunday saloon keepers and other illegal violators of law go along undisturbed under all administrations alike.

But the people are vitally interested in who runs the public schools because the supreme interests of society are involved in their proper conduct, hence they want and intend to have them divorced from municipal politics, which in every city is the worst form of politics.

During the discussion before the com-

mittee above referred to the mayor declared in most positive terms that our system of public schools was unsurpassed in Texas, and gave universal education, and that he had acted in a perfectly non-partisan manner as to appointments, and if I am not mistaken cited specially the case of Mr. Shearn as a member retained on the board who had voted against him.

He gave no intimation of any dissatisfaction with Mr. Kimbrough. On the contrary, his eulogies of the school system and its operation was of itself the highest possible tribute to the ability and efficiency of that gentleman. Yet I learn the mayor has recently stated in the public prints that the removal of a public servant to whose fidelity and efficiency he here unqualified testimony was a plank in his platform.

If this is not a disregard of the best interests of the schools and their subordination to other and less important interests, and politics of the worst type I do not know what to term it.

For proposing and advocating a plan that would make such exercise of power impossible and yet leave the mayor with full power in all spheres of action as properly germane to his office, he was most bitterly assailed and denounced by the recognized organ of the administration, though I could not have had, and did not have, any purpose but the unadorned one of preventing just such a condition of affairs as now arouse public fear and indignation.

I am not the champion personally or professionally of either side. If the mayor's appointment had been ten years in office and had proved his efficiency as has Mr. Kimbrough I would say keep him and would deplore his removal as I do that of Mr. Kimbrough. My feeling for the full power as held by the mayor, but interest as a patron of the schools is greater in their successful administration than it is in the holding or obtaining of it.

I do not hesitate to say that the administration of the affairs of a city like Houston is purely a matter of business and should be utterly devoid of politics, but if it is to be made a party issue, the schools should not be mixed in the unsavory muddle.

If half the zeal that is manifested to put out of office a tried and proved efficient superintendent of city schools was directed toward the removal of the dens of robbery known as gambling houses and to shut up the saloons of the defendant violators of the plainly written statute and municipal law, we would not be content with the school system, but the gambling houses run night and day in law and shameless defiance of law, wherein hundreds are robbed nightly with mathematical certainty and by a system compared with the most skillful burglar and highway robber is a virtuous.

Norman G. Kirtrell.

CAMPBELL-JONES.

Marriage of Two Well Known Houstonians Yesterday Evening.

One of the prettiest weddings seen in Houston for some time past was that of Mr. Ira Lee Campbell and Miss Sadie Shepherd Jones, which was solemnized at 8 o'clock, Rev. Seth Ward officiating. The church was tastefully and attractively decorated for the occasion and the impressive ceremony was witnessed by a large number of the friends and relatives of the bride and groom. After the wedding an enjoyable reception in honor of the newly married couple was given, and numerous valuable wedding presents were received.

Mr. and Mrs. Campbell left via the Houston and Texas Central at 10:30 for a bride's tour, which will include several points in Colorado and other places.

At the semi-annual meeting of the Houston Labor council the following officers were elected for the term: President, H. C. Valsch of the Typographical union; vice president, H. Mullens of Barbers' union; recording secretary, V. J. Hill of Street Railway association; financial secretary and business agent, J. W. McArthur of Carpenters' union; treasurer, Wm. Wimberly of Street Railway association; trustees, Messrs. Gallagher of Carpenters', McNeely of Plumbers and Scroggins of the Clerks' union, representing the various unions.

The president also appointed an arbitration committee consisting of one delegate from each affiliated union, these being the various organizations having representation in the council; also a legislative committee of five was appointed, whose duties require them to keep the council informed on all legislation, National, State and municipal, affecting the interest of organized labor.

Preparations are being made by the council to celebrate Labor Day, September 4, on a grand scale.

Machinery Arriving at Barker.

Barker, Texas, July 19.—Joseph Foster, Fred Smith, August Fisher, J. H. Fox of Chicago and Peter Christensen of St. Paul, Ill., arrived here on the Katy this morning to see to unloading the machinery for the cotton mill. One car has arrived and the others are expected to arrive today. The warehouse is completely full in addition to hold the rest of the machinery.

Mr. McCarty commenced buying truck yesterday.

MUSICAL DICTIONARIES FREE.

To twenty-five children whose parents intend buying a new book will be given a little dictionary by G. Grinnell, 310 Main street. All sheet music half price.

Gas cooking stoves and hot plates for sale by the Houston Gas Light Co.

INDORSEMENT ENOUGH.

Even our competitors admit we give the best color ink best work. All our ink is our work. St. Patrick's Troy Laundry, 912 Prairie avenue, phone 322.

Coke and Tar—For sale by Houston Gas Light Company.

NOTICE TO PROPERTY OWNERS.

Department of Health, Office of the City Health Officer, Houston, Texas, July 1, 1899.—Notice is hereby given to all owners agents and occupants of property in the city of Houston that, commencing with today, they will be required to cut down and keep their premises free from all growing weeds. As the healthfulness of the city depends upon the individual and combined efforts of its citizens, property owners, agents and occupants of premises are strictly enjoined to render a hearty compliance with the foregoing request.

J. B. Masse.

City Health Officer.

ARE WE RETROGRADING?

Pauper Children Must Be Carried to the County Undertaker for Burial.

CUSTOM CONNIVED AT BY COMMISSIONERS.

Undertaker Allowed Only 25 Cents for Pauper Burials—Mother Carries Dead Child to Undertaker.

The Post received yesterday the following sensational communication: To the Editor of The Post:

Houston, Texas, July 19.—While the health office is notifying the citizens of Houston through the daily papers to cut down growing vegetation, which any well informed person knows does no harm, on penalty of arrest and payment of a fine, it is well that the public should be informed that he is "stratagizing at gnats and swallowing camels," which is well illustrated by the following facts which can be fully substantiated by calling on the proper parties.

A colored child died on the premises of a resident of the Third ward. The mother, who had not a cent of money, got a death certificate from the attending physician and applied to the city undertaker to send and get the dead child. He informed her that the city would bury the child, but that he would not send his wagon out to the body, that she must bring the corpse to the undertakers. When the mother naturally remonstrated at such a barbarous demand he informed her that she was not the only one who was required to bring dead babies to him; that the undertaker's wagon never called for the bodies of paupers, and that it was a daily occurrence for babies to be brought to the undertaker's establishment in baskets or merely wrapped in a blanket.

When she came home and reported what the undertaker told her, some one told her that she had better go to the undertaker's wagon and see that the undertaker's wagon was sent out immediately for the body, as it had been there over twelve hours. The assistant in the office replied that he had no authority to make the undertaker go for the body. The health officer was then telephoned the facts in person and told very plainly that there was a disgrace in the city of Houston, besides being a menace to the public health, for such a state of things to be allowed. He replied that he had not been informed of it before, and that he would see that the undertaker sent at once for the body, which he did not do, and several respectable witnesses saw the mother carry the baby in her arms wrapped in a blanket, and she would have had to walk all the way in the broiling sun, but one of her friends took pity on the poor mother, and offered her a seat in her buggy, and the two women drove alone to the undertaker's establishment. The body of the poor little baby to the tender mercies of the undertaker.

If this were the only case of such criminal carelessness and humanity would be a blot on the fair name of our city, but when the undertaker himself admits that such things are of daily occurrence it becomes a matter of serious moment to the general public, as contagious diseases are likely to spread like wild fire under such mismanagement of the health department.

An Eye Witness.

A reporter for The Post was sent out to investigate with the following result:

He went first to the residence of Mrs. S. T. Steele, corner of Bell and Chenevert, upon whose premises the death occurred. Mrs. Steele was shown the letter and corroborated practically every detail. She said the mother of the baby, Fanny Lewis, colored, lived on her premises and through the courtesy of Mrs. Steele, the reporter was permitted to see the mother of the child, who said that her baby, 2 months old, died last Sunday night. On Monday morning she went down to arrange to have it buried at the county's expense, she having no money with which to perform that service. As she had been directed to do, she first sought the county judge, but that official was absent from the city, she was told to go for a burial permit to County Physician Dr. George Larendon. She found Dr. Larendon, who told her that before he could give her a burial permit she must first get a certificate of death from the attending physician. This she procured from Dr. Roby and with it went back to Dr. Larendon, who gave her the permit and they returned to the county undertakers, Ross & Wright. She went there and was told by some one whom she did not know but who appeared to be in charge there, that they would bury the child for her, but that she must bring it down to them, that they did not send after pauper children. She says that with this information she went back to Dr. Larendon, and he told her to take the child to the undertakers. She says that when she then went to Josh Watson, whose sister she knew, and Mr. Watson telephoned the undertakers about the child, and they told her that it was not their custom to go after pauper children, but that they would bury them if they were brought down.

She then went home, wrapped the dead baby in a blanket and started to take it to the undertakers, when she was met by Josh Watson's daughter with a buggy, and in this way the child was taken to the undertakers. This was about 1 p. m. Monday.

The above is the unvarnished statement of Fannie Lewis, the mother of the dead child.

Dr. George Larendon was seen in regard to the matter. He remembered the circumstance of the woman coming to him on Monday for a burial permit. She told him that the undertaker had told her to bring the child down to him, and thinking that this had been arranged between them, he simply said to her, "Well, if that is the case, you had better do it." When asked if this was the custom of the county undertakers, to have pauper children brought down to them for burial instead of going after them, he replied that he did not think such a custom prevailed.

As City Health Officer Dr. Masse's name is mentioned in the above letter and in a way that reflects upon him unjustly, as his department has nothing to do with the burial of paupers, he was called upon for a statement showing his position in the matter.

He remembered having been notified by "phone" concerning the dead body on Monday. "The city," said he, "has nothing whatever to do with the burial of paupers. The city simply furnishes the ground in which to bury them, and the undertaker does the burying. Mr. Wright of the undertaking firm of Ross & Wright, county undertakers, has told me, however, that under his contract with the county the bodies of pauper children must be brought to him. I do not at all approve of the practice. The carrying of dead babies through the streets in baskets or wrapped in blankets is, in my opinion, barbarous. Frequently the bodies of children who die are themselves sick in bed and have no way of getting the dead children to the undertakers. In which event I suppose the undertaker would arrange, they must remain there and

rot. The city health department, under the present arrangement, has no control whatever over the burial of paupers, but if one of these dead children are left to decompose because the undertaker won't take them, we would probably find a way to interfere under the nuisance act.

"As long as the county pays only 25 cents for burying paupers they can not expect to get satisfactory service."

Mr. Charles Wright, of the firm of Ross & Wright, county undertakers, was seen and interrogated concerning the matter complained of.

At first he did not remember the particular case. "We have cases of that sort every day," said he. "Under Judge Shaw's administration as county judge we made our contract with the county for burying our paupers at 25 cents per capita, while the digging of the grave cost \$1 besides the coffin and the hauling. So you see we can't be expected to do a great deal for a quarter of a dollar. This matter of handling pauper infants was fully discussed in open court and the commissioners agreed with me that I might require people who wanted their children buried to them to be instead of requiring me to go after them and we have been pursuing this custom ever since, for nearly a year and a half. Where I know that the cases are worthy and that the parents really care for them, we send for them, and we always send for them in cases of contagious diseases, which is indicated by the certificate they present. The county is too often imposed upon by people claiming to be parents when they are simply able to bury their dead without putting the county to the expense of doing it."

"I have frequently gone after pauper children and taken them from houses where there were pianos and lace curtains."

"As I before remarked, when I know a case is a deserving one and that the parents have no way of bringing or sending their dead children down, I go after them and this seems to be a great deal of fuss in this case about nothing, particularly when the same custom has been in vogue for the past fifteen months and we have had no trouble about it."

"Why don't you apply the same rule in case of adult paupers?"

"Simply because it is impracticable to have them brought to our establishment, but with young babies it is different. There is no great harm done in bringing them down here in a covered basket or wrapped in a blanket and very few complain of it."

Fruit and Vegetables Growers.

Hon. L. K. Morris of La Porte has written a letter to the Houston Business League announcing a meeting of the fruit and vegetable growers of La Porte and vicinity to be held at the Artesian hotel this, Thursday, evening, July 20, at 8 o'clock.

Mayor Morris says that it is expected that the attendance will be very large, and that the results will be of special importance locally and to the entire coast.

The Houston delegation is made up as follows: Colonel N. L. Mills, B. A. Baldwin, A. F. Sittig, M. E. Foster, Hamp Cook and Tom Richardson.

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If life were one long summer day and its journey through a garden of flowers, it might be possible for people to be careless of their health without fearing evil results. Unfortunately, since Adam and Eve were driven from the Garden of Eden, life has been a tedious journey through a garden of flowers. Man must earn bread by the sweat of his brow, and woman must bring forth children in pain and suffering.

In both cases the curse is multiplied many times over because both men and women neglect their health. Man's toil is rendered a thousand times harder by the added burden of ill-health. The woman is a still greater sufferer. She suffers in silence untold agonies from weakness and disease in a womanly way. Motherhood becomes to her a menace of death, and her babies are born with the seeds of disease already implanted in their little bodies. There is but one unfailing remedy for women who suffer in this way. It is Dr. Pierce's Favorite Prescription. It acts directly on the delicate and important organs that bear the brunt of maternity. It makes them strong, healthy, vigorous, virile and elastic. It allays inflammation, heals ulceration, soothes pain and tones and builds up the tortured nerves. It is for wifehood and motherhood. It does away with the trials of the period of apprehension and makes life a constant ease and almost painless. Thousands have testified to its marvelous merits.

"I was afflicted for four years with male weakness, but would not confess it for a time," writes Mrs. B. W. Woodall of Batesman, Patrick Co., Va. "Then I took the 'Favorite Prescription' and 'Golden Medical Discovery,' and they cured me. I cannot praise Dr. Pierce's medicine too much."

Dr. George Larendon was seen in regard to the matter. He remembered the circumstance of the woman coming to him on Monday for a burial permit. She told him that the undertaker had told her to bring the child down to him, and thinking that this had been arranged between them, he simply said to her, "Well, if that is the case, you had better do it." When asked if this was the custom of the county undertakers, to have pauper children brought down to them for burial instead of going after them, he replied that he did not think such a custom prevailed.

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Ladies' White Duck or Linen Crash

Skirts, full width and well made,

selling 75c, 85c, 95c,

take your choice for... 48c

Ladies' White Duck, White Pique

or Linen Crash Skirts that sell

regularly at \$1.25 and \$1.50,

take your choice for... 75c

Ladies' Black Novelty Brocaded

Brilliantine Skirts with good

quality Taffeta lining,

selling \$1.50, choice for... 89c

Choice of any of our Ladies' Col-

ored Lawn Waists,

selling 95c, \$1.25, \$1.50, 75c

Choice of any of our Ladies' White

Lawn, White Pique and White

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75 pieces Solid Colored Lawn

all the popular shades,